

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/760,033
Applicant : Tang et al.
Filed : January 16, 2004
TC/AU : 2667
Examiner : Murphy, Rhonda L.

Docket No. : 873.0135.U1(US)
Customer No. : 29683

Title : MULTIPLE USER ADAPTIVE MODULATION SCHEME FOR MC-CDMA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

1. We the undersigned, Clive Tang and Victor Stolpman, hereby attest that we are the joint and first inventors of the invention described and claimed in the above-referenced patent application now pending before the U.S. Patent Office. Exhibits A through D described below represent our own work on the invention described in that patent application during the times indicated.

2. We conceived of the invention, in the United States, at least as early as December 19th, 2003, as evidenced by Exhibits A and B. Exhibit A is a true copy of an email exchange between an outside patent attorney drafting the above-referenced patent application and inventor Tang. At the lower portion of Exhibit A is an email from the outside attorney dated December 19, 2003 and indicating an attachment named "NC17682_final.doc". Inventor Tang's reply email dated December 21, 2003 details minor changes to that document, which is also attached to that reply but not re-named. As indicated on Exhibit A, inventor Stolpman was copied in the reply email. Exhibit B is believed to be a true copy of the attachment to the December 19, 2003 email of Exhibit A, and shows conception of the claimed invention.

3. Exhibit C is a true copy of the Declaration and Power of Attorney signed by us on January 9, 2004 as indicated, and believed to be submitted with the U.S. Patent Application referenced above.

4. Exhibit D is a true copy of an AutoReply email sent from inventor Stolpman's email account to the drafting patent attorney noted in paragraph 2 above, indicating that inventor Stolpman was on vacation between December 15, 2003 and January 2, 2004. Inventor Stolpman hereby attests that I was in fact on vacation during that time period.

Appl. No. 10/760,033
Appendix to Response
Reply to Office Action of February 8, 2006

5. We each hereby attest that the Exhibits cited herein are true copies, with the exception of Exhibit B to which we attest on information and belief is a true copy. We each hereby acknowledge that the statements made herein are true or are made on information and belief that is believed to be true. We each further acknowledge that any willful false statements are punishable by fine or imprisonment, or both, in accordance with 18 U.S.C. § 1001; and that such false statements may jeopardize the validity of any patent that may issue from the application to which this Declaration pertains.

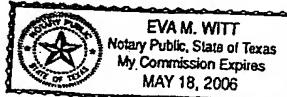
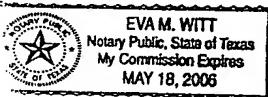
Respectfully Submitted,

Clive G. Tang

Clive Tang

3/14/06

Date



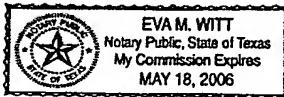
3-14-06

Eva M. Witt

* * * * *

Victor Stolzman

Notary Seal and date:

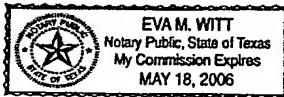


MAR 14, 2006

Date

Eva M. Witt

3-14-2006



Patent-Agency Harrington-Smith (EXT-RES/Usa)

From: Tang Clive (NRC/Dallas)
To: Patent-Agency Harrington-Smith (EXT-RES/Usa)
Cc: Stolzman Victor (NRC/Dallas)
Subject: RE: Final version of NC 17682
Attachments: NC17682_final.doc(268KB)

Sent: Sun 12/21/2003 10:11 PM

Eric,

Attached is the final version. I've consolidated the definition of BPS (bits-per-OFDM-symbol-per-user) in paragraphs 104 and 105, and made minor cosmetic changes in various places. I think you may now prepare for the relevant papers for us to sign and submit them to the USPTO.

The figures from the first draft are OK and may be submitted as they are.

Thanks.

Regards,
Clive

-----Original Message-----

From: Patent-Agency Harrington-Smith (EXT-RES/Usa)
Sent: Friday, December 19, 2003 2:04 PM
To: Tang Clive (NRC/Dallas)
Subject: Final version of NC 17682

Clive,

Here is the final version of the case.

I entered all your changes and made only one further change - "one or more" goes to 'two or more'.

I think we've reached a point of diminishing returns on the changes - this should be the final version.

Regards,
Eric

<<NC17682_final.doc>>

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Docket No. NC17682

Harrington & Smith, LLP Docket No.: 873.0135.U1(US)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Multiple User Adaptive Modulation Scheme for MC-CDMA

the specification of which

(check one) X is attached hereto.

_____ was filed on _____ as Application Serial No.

_____ and/or that was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, '1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate(s) listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ Yes _____ No
 (Number) (Country) (Day/Mon/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §119(e) of the United States provisional patent application(s) listed below:

_____ (Application Serial No.)

_____ (Filing Date)

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I hereby claim benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)

(Filing Date)

(Status)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the attorneys and/or agents listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

NAMES**REGISTRATION NUMBERS**

| | |
|-----------------|--------|
| Brian T. Rivers | 41,270 |
| Steven Shaw | 39,368 |
| Milan Patel | 41,242 |
| Thomas R. Weber | 41,547 |
| Wayne DeMello | 48,601 |

and all Attorneys and/or Agents listed under Customer Number: 29683 including:

| | |
|-----------------------|--------|
| Mark Harrington | 31,686 |
| Harry Smith | 32,493 |
| Christine W. Beninati | 37,967 |

SEND CORRESPONDENCE TO:

Customer Number: 29683.

DIRECT TELEPHONE CALLS TO:

Eric Petraske
Harrington & Smith, LLP
Telephone:(203)925-9400
Facsimile:(203)944-0245

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--------------------------|----------------------------|---------------------|--|
| FULL NAME OF INVENTOR | LAST NAME Tang | FIRST NAME Clive | MIDDLE NAME K |
| RESIDENCE Irving | STATE OR COUNTRY Texas | | CITIZENSHIP USA |
| POST OFFICE ADDRESS | P.O. ADDRESS [REDACTED] | | CITY & COUNTRY Irving, Texas 75063, USA |

Inventor's
Signature Clive A-C Tang Date Jan 9, 2004

| | | | |
|--------------------------|----------------------------|----------------------|--|
| FULL NAME OF INVENTOR | LAST NAME Stolzman | FIRST NAME Victor | MIDDLE NAME J |
| RESIDENCE Dallas | STATE OR COUNTRY Texas | | CITIZENSHIP USA |
| POST OFFICE ADDRESS | P.O. ADDRESS [REDACTED] | | CITY & COUNTRY Irving, Texas 75063, USA |

Inventor's
Signature Victor S Date JAN 9, 2004

Patent-Agency Harrington-Smith (EXT-RES/Usa)

From: Stolpman Victor (NRC/Dallas)
To: Patent-Agency Harrington-Smith (EXT-RES/Usa)
Cc:
Subject: Out of Office AutoReply: NC17682
Attachments:

Sent: Wed 12/17/2003 3:53 PM

Howdy All,

I am on vaction from Dec 15 to Jan 2. I will be back in the office Jan 4.
If you need to reach me, you can contact me at [REDACTED]

Have a Merry Christmas and a Happy New Year!

Best Regards,
Victor Stolpman

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NOKIA

6000 Connection Drive
1-4-755
Irving, TX 75039

Date January 13, 2004

Deliver to: Eric Petraske, Esq.
Harrington & Smith, LLP

From: Beverly Sparkman, CLA
IPR Assistant
Nokia Inc.

Address:

Phone:
Fax: (203) 944-0245

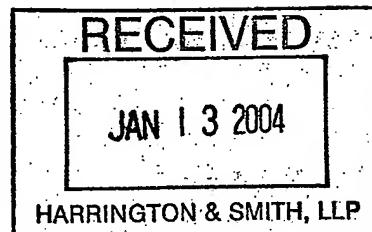
Phone:
Fax:
E-Mail:

Total Pages: 6 (Including cover)

NOTES FROM SENDER

RE: Your Ref. No. 873.0135.U1(US)
Our Ref. No. NC17682

Copy of Oath/Declaration and Assignment for the above-referenced case



Beverly Sparkman, CLAS
IPR Assistant

CONFIDENTIALITY NOTE

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